

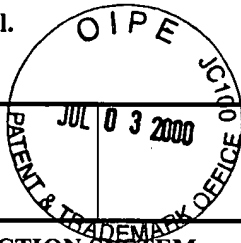
TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
NAK1-BI69

In Re Application Of: **Tomoyuki Nonomura et al.**

Serial No.
09/419,240

Filing Date
10/15/99



Examiner

Group Art Unit
2766

Title: **DIGITAL CONTENT PROTECTION SYSTEM**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Petition to Make Special

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in the above identified application.

- ☐ No additional fee is required.
- ☒ A check in the amount of **\$130.00** is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **16-2462** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

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Dated: **June 28, 2000**

I certify that this document and fee is being deposited on **June 28, 2000** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Daniel Kerby

Typed or Printed Name of Person Mailing Correspondence

CC:

NAK1-BI69



PATENT APPLICATION

DAC2766

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Makoto Tatebayashi, et al.

Serial No.: 09/419,240

Filed: October 15, 1999

For: DIGITAL CONTENT PROTECTION
SYSTEM

Examiner:

Group Art Unit: 2766

June 28, 2000

Irvine, California 92614

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Director's Office
Group 2700

JUL 05 2000

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DEPUTY A/C PATENTS

PETITION TO MAKE SPECIAL PURSUANT TO 37 C.F.R. SECTION 1.102

AND MPEP SECTION 708.02(VIII)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sirs:

Requested Action

Applicant requests that the above-identified application be granted special status for advancement of its examination under 37 C.F.R. Section 1.102(d). The petition fee of \$130.00 as set forth in 37 C.F.R. Section 1.17(i) is enclosed.

It is believed that all the claims are directed to a single invention and, if the U.S. Patent Office determines that the claims are not obviously directed to a single invention, Petitioner hereby agrees to make an election without traverse as a prerequisite to the granting of the special status.

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The undersigned attorney can be contacted at the listed telephone number if such a restriction requirement is required.

A pre-examination search has been made of the corresponding European patent applications in the European Patent Office. A copy of the European search report is attached hereto setting forth the areas of the classification and search fields. Copies of these references, along with a Form PTO 1449 have been forwarded to the U.S. Patent Office in a Information Disclosure Statement that was received in the mail room on March 14, 2000.

Applicant hereby submits a detailed discussion as follows:

1. Features of the Present Invention

(a) The recording medium apparatus secretly transmits an inherent key to the access apparatus, the inherent key being information unique to the recording medium apparatus.

(b) The recording medium apparatus and the access apparatus perform mutual authentication using the inherent key.

(c) If the recording medium apparatus and the access apparatus have successfully authenticated each other, the access apparatus either (i) encrypts a digital content using the secretly transmitted inherent key and sends the encrypted digital content to the recording medium apparatus or (ii) receives an encrypted digital content from the recording medium apparatus and decrypts the encrypted digital content using the secretly transmitted inherent key.

The present invention performs the operations (a) and (b). Therefore, two conditions given below need to be satisfied for a mutual authentication to succeed.

1) Both of the recording medium apparatus and the access apparatus have to have an authorized unit for performing secret transmission of the inherent key.

2) Both of the recording medium apparatus and the access apparatus have to have an authorized unit for performing the apparatus authentication.

The present invention also performs the following operation (c), the encryption key used to generate the encrypted digital content stored in the recording medium apparatus necessarily matches the inherent key unique to the recording medium apparatus. This prevents an access apparatus from encrypting digital content and sending the encrypted digital content to the recording medium apparatus using a different key to the inherent key. This also prevents an access apparatus from decrypting encrypted digital content using a different key to the inherent key. Thus, an encrypted digital content sent by an access apparatuses to a recording medium apparatus can be read and correctly decrypted by any access apparatus with the same specification.

2. Comparison with References Reported in EPC Search Report

Yamanaka, et al.: "Trends in Digital Copy Protection Technologies"

Yamanaka, et al. disclose a method for protecting contents recorded onto DVD media (see line 26 of the right column in page 110 - line 30 of the left column in page 111, Figure 3, and Appended Figure).

In the reference, three keys (a master key managed by a key control organization and disk and title keys managed by copyright owners) are used to protect contents recorded onto DVD media. More specifically, an encrypted disk key generated by encrypting the disk key using the master key, an encrypted title key generated by encrypting the title key using the disk key, and encrypted video audio data generated by encrypting video audio data using the title key are recorded onto a DVD medium. This reference also states that the world is divided into six regions

and playback is allowed only for a player and a DVD medium that are from the same region. The reference further states that even if contents are copied to devices other than DVD equipment, the copied contents cannot be used. The reference also states that when DVD equipment is connected to a personal computer, the DVD equipment and the DVD data-decoding section in the personal computer will perform mutual authentication by checking each other for the presence of an authorized DVD module. The procedure of the mutual authentication is shown in the Appended Figure. If authentication succeeds, the disk key and title key are encrypted using a key that changes for every data transfer (bus key) and are then transferred from the DVD equipment to the personal computer, where they are decoded.

Yamanaka, et al. does not disclose the operations (a) and (b) of the present invention and performs the mutual authentication according to a single condition, that is, whether both the DVD equipment and the DVD data-decoding section in the personal computer include an authorized DVD module. Accordingly, *Yamanaka* does not produce the first effect of the present invention.

Nor does *Yamanaka, et al.* disclose the operation (c) of the present invention. While disclosing that the disk key and title key used to decode contents are transferred to a personal computer when the contents are read from a DVD, this reference does not clearly describe how the keys are processed to encrypt the contents and write the encrypted contents onto DVD media. Accordingly, *Yamanaka, et al.* does not produce the second effect of the present invention.

Takashima, et al.: “Method and System for Digital Information Protection”

Takashima, et al. disclose a technique where encrypted digital information is delivered from an information center to an information terminal device, mutual authentication is

performed using a public key and a certificate, and the encrypted digital information stored in the information terminal device is decrypted using a decryption key confidentially stored in a card.

Takashima, et al. does not disclose the operations (a) and (b) of the present invention and performs the mutual authentication according to a single condition where the public key and certificate are used. Accordingly, this reference does not produce the first effect of the present invention.

Nor does *Takashima, et al.* disclose the operation (c) of the present invention. While disclosing that encrypted digital information is decrypted using the decryption key confidentially stored in the card, this reference does not clearly describe how this key is processed while the encrypted digital information is being decrypted. Accordingly, *Takashima* does not produce the second effect of the present invention.

Ostrover, et al.: "System and Method for Authenticating Software Carriers"

Ostrover, et al. disclose a technique where play of a software carrier is allowed if the authorization code contained in the software carrier matches a computed code that was derived beforehand.

Ostrover, et al. does not disclose the operations (a) and (b) of the present invention. Accordingly, this reference does not produce the first effect of the present invention.

Nor does *Ostrover, et al.* disclose the operation (c) of the present invention. Accordingly, this reference does not produce the second effect of the present invention.

No combination of these above references disclose nor suggest the operations (a), (b), and (c) of the present invention.

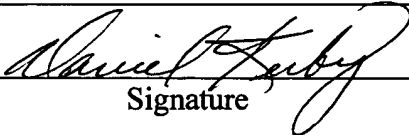
3. Conclusion

Since the claims in the above application incorporate the conditions mentioned above which are neither taught nor suggested by any combination of the references, it is believed that the present claims are allowable over the cited references and that all the requirements for granting a special status in this case have been met. Accordingly, Applicant requests that this Petition to Make Special be granted and the application undergo accelerated examination.

If there are any questions, the undersigned attorney can be contacted at the listed telephone number.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on June 28, 2000.

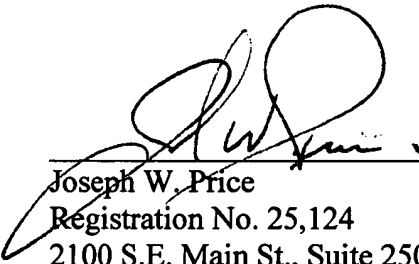
By: Daniel Kerby


Signature

Date: June 28, 2000

Respectfully submitted,

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